IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2660 OF 2007

Shri Jitendra Krishnakant Pandya ...Petitioner
V/s.
State of Maharashtra & Anr. ...Respondents

Mr.S.S. Kshirsagar for the Petitioner.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATED : NOVEMBER 28, 2007

P.C. :-

1. Admittedly, certain increments were released in favour of the petitioner on the basis of the certificate that he was exempted from passing Marathi examination. It was found that the certificate granting him exemption does not comply with the requirements of the Government Resolution and therefore, the amount of increments which was given to the petitioner on the assumption that he was exempted from passing Marathi examination was being recovered.

2. The Maharashtra Administrative Tribunal has considered the entire matter in detail and has found that there is any vice in the action of the respondent.

We find is that in order to be entitled to get the exemption certificate, the petitioner had to satisfy three conditions :- 1) That he can write in Devnagiri script, 2) That he has taken education in Marathi medium and 3) He has working knowledge of Marathi.

3. The certificate granting exemption shows that it is based on the third criteria that the petitioner has working knowledge of Marathi. The certificate does not take into consideration the other two requirements. Taking into consideration all aspects of the matter, the Tribunal has, therefore, rightly rejected the application. We, thus, see no illegality in the impugned order.

4. The petition, therefore, is rejected.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)